

Continued Council Meeting—November 12, 2014

The continued meeting of the Council of the Town of Altavista was held in the Council Chambers of the J.R. Burgess Municipal Building, 510 Seventh Street on November 12, 2014 at 5:30 p.m.

1. Mayor Mattox called the meeting to order and presided.

Council members

present:

Mayor Michael Mattox
Mrs. Beverley Dalton
Mr. Bill Ferguson
Mr. Timothy George
Mr. Jay Higginbotham

Council members

absent:

Mr. Charles Edwards
Mr. Tracy Emerson

Also present:

Mr. J. Waverly Coggsdale, III, Town Manager
Mr. David Garrett, Public Works/Utilities Director
Mr. Steve Bond, Wastewater Treatment Manager
Mr. John Eller, Town Attorney
Mrs. Mary Hall, Administration

2. Gay & Neel/ECS Mid-Atlantic, LLC

Mr. Coggsdale advised at the September 9, 2014 Town Council meeting Council voted to engage conversations with Gay and Neel in charting a course in regards to PCB remediation. He introduced Mr. Trevor Kimzey, Director of Engineering with Gay & Neel.

Mr. Kimzey introduced Mr. Garnett Williams and Mr. Adam Meurer, ECS Mid-Atlantic, LLC. Mr. Kimzey stated his role in this process is to make sure Gay & Neel are pursuing the right things in moving this project forward. He added Mr. Williams and Mr. Meurer are the experts. Mr. Kimzey asked Council for their thoughts on the PCB situation advising they were brought on board to help Council move this forward to a resolution; noting a lot of different options have been put forth.

Mrs. Dalton advised the seven Council members that have been charged with the decision making, this issue is in their laps and no one is an expert. She stated they are totally offended by the thought process of having to deplete the Town's assets to solve this problem when it is offering no bodily harm to anybody. This is an unknown world and through internet searches, word of mouth, etc., Council has tried to put together some concept of remediation and will not be defeated by this. She stated in Council's effort to put forth due diligence and remediate this issue a few experiences have been allowed and are now at a juncture where expert advice is needed.

Mr. George stated he wants to learn more than he knows right now and hear Gay & Neel's opinion of what has been done so far and if they think Council is on the right track.

Mrs. Dalton noted Mr. Higginbotham is the reason the Town did not "dig and haul" and did not waiver to the pressures of ridding the Town of the PCBs and spending the reserves to do so.

Mr. Higginbotham advised he's been working on a solution and met with Dr. Sowers who has the SediMite concept. He has confirmed the pond has microbes that are eating the PCBs and at some point the microbes will take care of the PCBs. DEQ advised the Town has to do something about the PCBs. He, Mr. Coggsdale, and Mr.

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Bond met with Mr. Durwood Willis, DEQ. Mr. Willis advised the only way he would be satisfied would be to “dig and haul”. They met with Mr. Steve Rock with EPA Region 4 along with Gentry, Locke, who confirmed the Town doesn’t need to do anything; the PCBs are contained in the clay liner. Mr. Higginbotham advised Mr. Edwards got in touch with Dr. Lou Licht regarding phytoremediation; Larry Robertson, University of Iowa, who is working on a superfund grant. If this fund goes through, he will be sending a team to work on the phyto aspect. Mr. Scott Lowman, IARL, is looking at switch grass as a remediation. Mr. Higginbotham feels the goal is to cap the pond with a treatment cap. He advised a letter has been received from DEQ asking for an update on the Town’s progress. He felt the best technology is Mother Nature. He noted Dr. Sowers is having the most success at this time but having trouble getting the lower 6 inches of sludge which has a higher level of PCBs. Mr. Higginbotham stated his understanding is Gay & Neel’s purpose is to see if something is being missed.

Mayor Mattox stated this has been a long tangled trip with the PCB issues; never knowing where we needed to be. The Town entered into the VRP which protects the Town from any further litigation for clean up and felt the letter of closure was an extremely important item to have. He noted the Council has looked at phytoremediation but has not looked at any other types of remediation. An RFP has been considered but Council doesn’t understand technology enough to issue one. Mayor Mattox stated he would like this matter off the books as quickly as possible and remain under the VRP. Mayor Mattox asked Gay & Neel to provide a review of what is available to resolve the PCB issue.

Mr. Higginbotham noted the only way to remove the water from the lagoon is evaporation. He noted one thing he likes about the trees is they will evaporate the water; they know how to harvest the branches if Council desires to go forward with this method of remediation. He also mentioned the desire of Dr. Sowers to use concrete cells for his experiment. Once the research project is complete, the concrete barriers could be used to section off the pond noting the whole site cannot be treated at once. He felt this petrie dish with different scientists working on a section whichever one comes up being the most economical process is what the Town can go with. He didn’t feel a letter of closure was necessary. The town would not build on the site; it will always be fenced in. It is a sewer lagoon and will always be a sewer lagoon; he said that was not saying a treatment cap was not needed.

Mr. Kimzey reiterated the town is interested in not spending an exorbitant amount of money and the phrase used was the pond was not causing anybody any harm. It needs to be clarified that the pond is not causing any harm. There is the issue of the letter of closure; what does the letter of closure do for the town. There is the issue of DEQ and EPA. What is the definition for the VRP and what does success look like to the EPA, what are the consequences? If the town is removed from the VRP and back to the EPA what are the consequences.

Mr. Higginbotham asked what was the good of removing the PCBs from the pond and moving them to Wisconsin to deposit and felt the EPA would like to see one of these alternatives work.

Mr. Kimzey advised the next phase in the scope of the contract is an evaluation of alternatives. To find the true cost benefit analysis, his group needs to find out what success looks like and what is the town’s understanding of success versus the VRP, versus the EPA and what are the cost associated or litigation liabilities dispelled or retained. He stated after tonight’s meeting they would be looking at the options, what these achieve and possible cost.

Mrs. Dalton added Council realizes the world has a problem with PCBs and is thinking more broadly then 50 parts per one million so if the Town can add to the body of knowledge through this lagoon. Goals with Council are not directly aligned with the EPA or DEQ; Council is much broader thinking than that.

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Mr. Kimzey stated one task is to help identify the risk and cost associated. Are there other regulatory things that can bare upon the Town?

Mr. Higginbotham advised there are lower concentrations of PCBs along the perimeter of the lagoon and the thought is the lower concentrations are due to the switch grass. If phytoremediation is working, then there is natural remediation along the perimeter. He felt this was encouraging data and the Town is headed in the right direction.

Mayor Mattox stated he liked the thought but this process could take 20 years with the phyto and the cap. He asked if the town is open to any potential liability of exposure if this doesn't work. He stated his first job as the mayor of Altavista is to protect the citizens and feels this is the goal of Council. He felt all seven Council members have worked towards this diligently.

Mr. Meurer addressed Council stating it would make sense to start with a regulatory discussion. With the PCB remediation there are two different programs that handle the clean up and the remediation, VRP (this is voluntary; do what is needed to be done on your own accord to remove any risk associated with the contamination). The way DEQ looks at completion of the program is based on risk, exposure to the contamination, elimination risk pathways. With most clients within the VRP, they recommend pathway elimination versus active remediation because it is easier, cheaper and faster. He stated the Town did not have to remediate to a 50 parts per one million standards as long as they are eliminating exposure pathways.

Mr. Coggsdale advised it has been indicated that 50 parts per million is the town's target.

Mr. Garnett stated in the current regulatory environment it is all risk based.

Mr. Meurer stated in one piece of correspondence 50 parts per million was an acceptable target, not the only target; eliminating the risk in exposure to an acceptable risk level by eliminating pathways.

Mrs. Dalton asked him to speak to the pathways.

Mr. Meurer advised there are construction worker exposure, incidental exposure, and ecological risk. A cap on the pond would eliminate exposure pathway. ECS' job is to evaluate each and eliminate the exposure pathways.

Mrs. Dalton asked if the process of remediating the PCBs is unnecessary.

Mr. Meurer stated 9 out of 10 of these VRP jobs focus on pathway elimination.

Mr. Higginbotham explained what had been done on Plot 7 including a dike being installed in that area. A root system started in the area on its own. The goal was to get vegetation growing in that area without putting topsoil on as in Plots 1, 2, 3, 4 and 5. Mulberry trees are to be planted in one hot spot in that area. The whole section was below 50 parts per one million except for the one hot spot.

Mayor Mattox asked if planting the trees are increasing the pathways.

Mr. Meurer advised this is one of the concerns expressed by DEQ. The clay liner is intact and that is eliminating the exposure pathways to the river because it is keeping the PCBs from migrating out. EPA's concern is the trees will eventually grow into that clay liner.

Mr. Higginbotham advised Dr. Licht disagrees.

Mr. Meurer referred to the VRP; if the town goes through that program eliminating the exposures and during a risk assessment and the DEQ deems that the risk is acceptable the town will receive a certificate of completion.

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Mr. Williams stated Council has to ask themselves what happens if they do nothing. He said it seems to be the assumption that the town is not subject to any regulatory jurisdiction, oversight or enforcement which is not true. When you are in the VRP, there is a memorandum between the EPA and DEQ that basically allows the VRP to take precedence over any regulations that DEQ might have on site. If you are not actually trying to remediate the site or trying to reduce the risk with a cap or some other technology, the town will likely fall back into TSCA where they could come back and make the town clean up the waste.

Mr. Meurer stated he was reading a 2006 letter from the EPA where they say you are not subject to the PCB federal regulations as long as the town is going through the remedial steps. They by default are saying as long as you are enrolled and are actively participating in the VRP the town is therefore exempt from their regulations. As soon as that stops the town could default back. He stated there are two ways to address the remediation; VRP and the EPA remediation. He said in a situation where VRP is no longer an option, and the town falls back into TSCA the town no longer has control. The EPA comes in and tells Council what to do.

Mr. Higginbotham asked what their reactions are to what has been done with Dr. Sowers and Dr. Robertson working on the super grant.

Mr. Williams stated it seems the Town wants to eliminate the risk in the quickest way possible and without expense. He stated this could take 20 years to accomplish and in that 20 years you still have risk associated with exposure.

Mr. Higginbotham stated if phyto is used it is capped.

Mr. Williams advised the vegetative cover is not considered a cap so the risk is still there.

Mr. Higginbotham stated with the Wisconsin Cap sawdust is used that doesn't do anything; there is not a treatment aspect to it.

Mr. Meurer stated phyto does offer some level of capping and exposure elimination. As stated in one of the letters, there is a possibility of the trees puncturing the clay liner.

Mr. Higginbotham stated there are five plots with trees on them with no water underneath them; it is basically dewater and more like a soil. He did not see that being an issue.

Mr. Meurer stated there is still infiltration any time it rains through the sludge.

Mr. Higginbotham stated he thought the concept was to crown it so the water will shed; it will basically be trees and grass.

Mr. Meurer stated leachability is the problem; what they are trying to address and prevent in the future.

Mr. Higginbotham stated this is what the University of Iowa professionals should be able to answer.

Mayor Mattox referred to the cap to reduce pathways and to reduce risk and asked for some ideas on what the cap should be.

Mr. Meurer stated it has to be something to eliminate exposure to the material underneath; anything that is considered to prevent people from playing in the contamination. He stated it could be filled with gravel, sand, synthetic fabric, clean fill soil, any physical barrier.

Mr. Higginbotham questioned the synthetic fabric stating it would deteriorate over time.

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Mr. Williams stated the fabric is there to allow the construction of the cap. Without it there is not structural support.

Mr. Higginbotham stated with the dike, the water was pumped out and placed topsoil with grass and trees to grow there.

Mrs. Dalton questioned that the barrier needs to be material and not organic.

Mr. Meurer stated there are soil caps with grass planted on top.

Mrs. Dalton asked if there were other caps that could be used.

Mr. Meurer stated he has seen soil and asphalt caps. He has not seen wood chips used. He feels the wood chips would degrade and break down over time.

Mr. Higginbotham stated the whole concept of the phytoremediation cap is that it is a treatment cap. Are the roots good for this or bad? Are the roots actually degrading the PCBs or are they destroying the clay liner?

Mayor Mattox asked if they could see a pathway from where the town is regardless of the VRP that the Town would not come onto the EPA radar screen; something that the Town can say they have done due diligence, capped it in the proper method.

Mr. Meurer stated outside of the VRP there is only the EPA program. The rules to get through that program are stringent. The EPA will come in and tell the town what to do.

Mr. Williams noted 90% of the time that will be “dig and haul”.

Mr. Higginbotham stated the EPA has told the town because of the clay liner the town doesn’t have to do anything.

Mr. Meurer stated that may be a misinterpretation. The letter from the EPA does say the town is exempt as long as they are working actively going through the DEQ’s VRP process.

Mayor Mattox asked if there was a solution other than remediation that would be acceptable in the VRP.

Mr. Meurer responded a cap would be acceptable.

Mayor Mattox questioned the cost of the cap.

Mr. Meurer stated in 2003 it was estimated to be half a million.

Mr. George asked if there was evidence that the trees that have been planted have done any remediation; is the PCBs going up into the leaves and falling off the trees.

Mr. Higginbotham stated Dr. Licht’s report explains this.

Mayor Mattox asked if the town does cap the pond would they see the letter of closure.

Mr. Meurer responded they close cases all the time with the cap which is quick and easy.

Mrs. Dalton noted the cap would do nothing to remove the PCBs.

Mr. Higginbotham stated an expert (University of Iowa) is needed to tell if the tree root will breach the liner. He stated the trees can be cut down and plant small trees. They don’t have to keep growing.

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Mr. Meurer stated another concern is flooding and would a large flood wipe out the planted trees.

Mayor Mattox asked if Council moved forward, what would be the next step. How could ECS help the town obtain closure?

Mr. Meurer advised a lot of data has been collected from the VRP report of 2003 and 2008 and they would have to resubmit a VRP report which includes an amended SCR with an updated risk assessment and propose this remedial objective. This would be the report that would go to DEQ for review.

Mrs. Dalton asked at what point the town would have a sense of their financial obligation.

Mr. Higginbotham stated if the pond is capped it would have to be done in segments, pump the water into other cells, and add the soil.

Mr. Meurer stated when it comes to the actual capping, that is the pathway elimination; for the actual construction process and cost the Town would have to ask vendors.

Mayor Mattox stated he felt ECS has been in contact with DEQ and that this is a viable option that will bring closure.

Mr. George asked if it was possible to get pricing for the gravel technique and the dirt.

Mr. Higginbotham stated Council needs to look at what is in place now and do they continue with the SediMite to see how much reduction has occurred.

Mr. Meurer stated the problem is timing; DEQ is at the point they are ready to remove the town from the VRP. The letter stated they wanted to see measurable progress. The pilot tests are good to a point but DEQ is getting impatient.

Mr. Higginbotham stated DEQ has an interest in the town solving this matter as the town is.

Mr. Coggsdale asked if there is a clock ticking how do we slow it down or how do we stop it?

Mr. Higginbotham stated the University of Iowa is coming down here with federal funds to research.

Mr. Coggsdale noted the town does not have to be in the VRP, we can get out of it. DEQ asked in the letter if the town wanted to get out of the VRP and he felt the town does not want to leave the VRP because that is where the protection is. Mr. Coggsdale felt the town is on the verge of getting removed from the VRP.

Mrs. Dalton asked how the Town could proceed with ECS and they add value to the set of solutions.

Mr. Meurer stated it goes back to the clock and showing measurable progress. The next step would be to discuss with Mr. Durwood Willis or Mr. Mead Anderson.

Mr. Coggsdale asked if Council seriously looks into the cap option would that be enough to slow or stop the clock while Council goes through that process.

Mr. Higginbotham asked if Council is taking the capping seriously why they just voted to try the switch grass.

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Mrs. Dalton stated it is cost analysis creeping into the situation. Capping can be done any day of the week and Council can say to the EPA this is a solution that has been looked at and Council is interested in holding that out there.

Mr. Higginbotham said if the pond is to be capped it has to be done from the outside to the inside.

Mr. Kimzey stated the next step of the contract is the evaluation of the options, establish and put cost to them. He asked Council to allow them to put this information together. He stated another question to pursue is to see if the Town can come out of the VRP and get written confirmation from the EAP.

Mr. George asked if he understood correctly, the town does not have the option to mess around for 20, 30 years. If the town gets kicked out of the remediation program, the town will be told what to do.

Mr. Meurer stated that is correct.

Mr. Higginbotham stated this is totally contrary to the letter from Mr. Scott Rice and contrary to what Mr. Steven Rock with the EPA has told the town.

Mr. Ferguson stated this was not what he had expected. He thought the town was moving forward with the remediation but this seems contrary to that.

Mrs. Dalton stated the seven Council members are left to decide and Council is looking for someone to work with them and her thought is ESC brought something to the table that Council did not know. She feels ESC can do an analysis of what has been done thus far, including pathways and risk, including what they have seen and what they find to be the norm. Council knows if there is a certain price, they are not going to do it.

Mayor Mattox stated he is in favor of as much information that can be obtained as possible. He asked for some true options and cost to be brought to the table.

Mr. Kimzey detailed Step 2 and stated he was excited to put before Council viable information.

Mr. Higginbotham advised they have talked about capping and top soil at a cost of \$250,000 to \$500,000 and that should be the budget. Council is not interested in spending millions of dollars.

A motion was made by Mrs. Dalton, seconded by Mr. Ferguson, to proceed to the next level with Gay & Neel, LLC at a cost of \$11,075.

Motion carried:

VOTE:	Mr. Michael Mattox	Yes
	Mrs. Beverley Dalton	Yes
	Mr. Bill Ferguson	Yes
	Mr. Timothy George	Yes
	Mr. Jay Higginbotham	Yes

3. Adjournment

Mayor Mattox asked if there was anything else to bring before Council.

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The meeting was adjourned at 6:59 P.M.

Michael E. Mattox, Mayor

J. Waverly Coggsdale, III, Clerk